

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TREXEL, INC. and
MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,

Plaintiffs

V.

DISPOZ-O PRODUCTS, INC.,

Defendant

No. 04 CV 10879 JLT

AFFIDAVIT OF KARIN K. RIVARD

I, Karin K. Rivard, having been duly sworn, hereby state as follows:

1. I am Assistant Director and Counsel of the Technology Licensing Office at Massachusetts Institute of Technology (“MIT”). My office is in Cambridge, Massachusetts.

2. Among my responsibilities at MIT is the supervision of patent litigation involving MIT patents. I am the person at MIT with principal responsibility for this case.

3. This case involves, among other things, alleged infringement of four patents for inventions developed at MIT in the 1990's.

4. One of the principal inventors, Dr. Num P. Suh, is currently at MIT. MIT expects that Prof. Suh will be a witness in the case. Dr. Suh is the Ralph E. and Eloise Cross Professor of Mechanical Engineering at MIT. His office is in Cambridge, and he lives in Sudbury, Massachusetts.

5. As listed on the patents, MIT used the following Boston patent counsel for the prosecution of one or more of the patents:

- Robert F. O’Connell of Dike, Bronstein, Roberts and Cushman, LLP;

- Ernest Linek of Banner & Witcoff; and
- George W. Nuenner of Edwards & Angel LLP.

MIT expects that its patent counsel may be witnesses in this case.

6. MIT has files on the development of the inventions referenced in the patents, as well as licensing files, which records are maintained in Cambridge.

7. MIT's interest as a Plaintiff in this case is in seeking relief for MIT for Defendant's infringement of MIT's patents. MIT is not involved in claims and counterclaims between Co-Plaintiff Trexel, Inc. and Defendant Dispoz-o Products, Inc. under state law relating to the Settlement Agreement referenced in the Verified Complaint.

8. MIT would prefer this case to remain in this Court because it is more convenient for MIT and for third-party witnesses such as Prof. Suh and patent prosecution counsel.

Signed under the pains and penalties of perjury,


Karin K. Rivard